

**DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES**

CHAPTER 25

**RESIDENTIAL ALCOHOL AND DRUG
TREATMENT FOR INDIGENT JUVENILES**

Subchapter 1

Eligibility Requirements

**Rule 37.25.101 Residential Alcohol and Drug Treatment for
Indigent Juveniles**

37.25.102 Definitions

Rules 03 and 04 reserved

37.25.105 Eligibility for Services

37.25.106 Application for Services

37.25.107 Determination of Indigency

Subchapter 2

Reimbursement

37.25.201 Billing, Reimbursement and Processing

Rule 02 through 04 reserved

37.25.205 Erroneous or Improper Payments

Rules 06 through 09 reserved

37.25.210 Rates

Rule 11 through 14 reserved

37.25.215 Unavailability of Funds

Subchapter 25

Eligibility Requirements

37.25.101 RESIDENTIAL ALCOHOL AND DRUG TREATMENT FOR INDIGENT JUVENILES (1) The purpose of this rule is to establish eligibility criteria and rules for the administration of funds for residential alcohol and drug treatment for indigent juveniles. (History: Sec. 41-3-1103, MCA; IMP, Sec. 41-3-1103, MCA; NEW, 1985 MAR p. 1251, Eff. 8/30/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1997 MAR p. 2295.)

37.25.102 DEFINITIONS For purposes of this rule, the following definitions apply:

(1) "Department" means the department of public health and human services.

(2) "Indigent juvenile" means a person under the age of 18 whose family meets the eligibility criteria for indigency set forth in ARM 37.25.107.

(3) "Residential alcohol and drug treatment" means chemical dependency treatment provided in a hospital licensed by the department of public health and human services or an inpatient hospital care component or inpatient free standing component approved by the department pursuant to ARM Title 20, chapter 3, subchapter 2.

(4) "Provider" means a residential alcohol and drug treatment facility. (History: Sec. 41-3-1103, MCA; IMP, Sec. 41-3-1103, MCA; NEW, 1985 MAR p. 1251, Eff. 8/30/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1997 MAR p. 2295.)

Rules 03 and 04 reserved

37. 25. 105 ELIGIBILITY FOR SERVICES (1) A juvenile will be eligible for residential alcohol and drug treatment payments if he meets the following eligibility criteria:

(a) The juvenile has been adjudicated as a youth in need of care pursuant to Title 41, chapter 3, MCA, a youth in need of supervision or a delinquent youth pursuant to Title 41, chapter 5, MCA, or has admitted acts sufficient to adjudicate him a youth in need of supervision or a delinquent youth through the consent adjustment process pursuant to Title 41, chapter 5, part 4, MCA; and

(b) The juvenile and his family are determined to be indigent by the department pursuant to the criteria set forth in ARM 37. 25. 107; and

(c) The juvenile is in need of residential alcohol and drug treatment and has been evaluated by a chemical dependency counselor certified by the department of corrections who has recommended residential treatment for the juvenile; and

(d) The juvenile will be treated in a residential alcohol and drug treatment facility approved by the department of corrections or licensed by the department of public health and human services.

(2) Residential alcohol and drug treatment benefits provided under this rule are available only to those eligible juveniles who have not received such benefits previously. (History: Sec. 41-3-1103, MCA; IMP, Sec. 41-3-1103, MCA; NEW, 1985 MAR p. 1251, Eff. 8/30/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; AMD, 1988 MAR p. 1891, Eff. 8/26/88; TRANS, from DFS, 1997 MAR p. 2295.)

37. 25. 106 APPLICATION FOR SERVICES (1) An application for residential alcohol and drug treatment shall be submitted to the Department of Public Health and Human Services, Child and Family Services Division, Program Management Bureau, P.O. Box 202951, Helena, Montana 59620-2951 by the social worker or probation officer responsible for arranging the placement of the juvenile. Application must be made on the forms provided by the department.

(2) The person making application must provide sufficient documentation to establish that the juvenile meets the eligibility criteria set forth in ARM 37. 25. 105. (History: Sec. 41-3-1103, MCA; IMP, Sec. 41-3-1103, MCA; NEW, 1985 MAR p. 1251, Eff. 8/30/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1997 MAR p. 2295.)

37.25.107 DETERMINATION OF INDIGENCY (1) Any juvenile will be determined indigent if his parents' or guardians' income does not exceed the financial eligibility requirements for the aid to families with dependent children program which are set forth in ARM 46.10.401 through 46.10.403, 46.10.406, and 46.10.505 through 46.10.513 by more than 200%.

(2) If the parents or guardians of the youth refuse to cooperate in establishing indigency, the social worker or probation officer may submit other verification or documentation which would be sufficient to document that the parents or guardians are indigent as defined in the previous paragraph. (History: Sec. 41-3-1103, MCA; IMP, Sec. 41-3-1103, MCA; NEW, 1985 MAR p. 1251, Eff. 8/30/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; AMD, 1988 MAR p. 1891, Eff. 8/26/88; TRANS, from DFS, 1997 MAR p. 2295.)

Subchapter 2

Reimbursement

37.25.201 BILLING, REIMBURSEMENT AND PROCESSING The department shall make payments directly to the provider, subject to the following conditions and limitations:

(1) Providers shall submit claims for reimbursement on the forms provided by the department. The claim shall be submitted within 30 days of the last day treatment was provided to the juvenile in the facility.

(2) Providers shall be reimbursed according to the rates set forth in ARM 37.25.210. The provider will accept payment in accordance with ARM 37.25.210 as payment in full.

(3) The department will not reimburse the provider for any services other than alcohol and drug treatment. (History: Sec. 41-3-1103, MCA; IMP, Sec. 41-3-1103, MCA; NEW, 1985 MAR p. 1251, Eff. 8/30/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1997 MAR p. 2295.)

Rules 02 through 04 reserved

37.25.205 ERRONEOUS OR IMPROPER PAYMENTS (1) The department is entitled to promptly recover all payments erroneously or improperly made to a provider.

(2) The provider shall notify the department of any erroneous or improper payment and shall promptly refund the entire amount of any erroneous or improper payment. (History: Sec. 41-3-1103 and 53-2-108, MCA; IMP, Sec. 41-3-1103, MCA; NEW, 1985 MAR p. 1251, Eff. 8/30/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1997 MAR p. 2295.)

Rules 06 and 09 reserved

RESIDENTIAL ALCOHOL AND DRUG
TREATMENT FOR INDIGENT JUVENILES

37.25.215

37.25.210 RATES (1) The department will pay providers the usual and customary charges or the rates set forth in this rule, whichever is lower.

(2) The rate for residential alcohol and drug treatment for indigent juveniles shall be \$110.00 per day for each day of care actually provided, not to exceed 40 days of care. The department shall pay for the day the juvenile enters the treatment facility, but not the day the juvenile leaves the facility. (History: Sec. 41-3-1103, MCA; IMP, Sec. 41-3-1103, MCA; NEW, 1985 MAR p. 1251, Eff. 8/30/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1997 MAR p. 2295.)

Rules 11 through 14 reserved

37.25.215 UNAVAILABILITY OF FUNDS (1) Payments for residential alcohol and drug treatment for indigent juveniles are subject to the availability of funds appropriated for that purpose.

(2) When the entire amount of the appropriation has been accrued in any fiscal year, the department will no longer accept applications for residential alcohol and drug treatment for indigent juveniles.

(3) The department shall send written notice to the youth courts, probation officers, department of corrections and the residential alcohol and drug treatment facilities when the entire amount of the appropriation has been accrued for the fiscal year.

(4) All providers who are providing residential alcohol and drug treatment to eligible indigent juveniles at the time of receiving the notice that the appropriated funds have been exhausted will be reimbursed for the treatment of those juveniles who have been determined eligible for benefits by the department and are receiving treatment at the time of notice. The provider shall be reimbursed according to the terms and conditions set forth in ARM 37.25.210. (History: Sec. 41-3-1103, MCA; IMP, Sec. 41-3-1103, MCA; NEW, 1985 MAR p. 1251, Eff. 8/30/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1997 MAR p. 2295.)

Chapter 26 reserved